APPEAL

OF

THE INDEPENDENT DEMOCRATS IN CONGRESS,

TO THE

PEOPLE OF THE UNITED STATES.

SHALL SLAVERY BE PERMITTED IN NEBRASKA?

WASHINGTON, *January* 19, 1854.

FELLOW-CITIZENS: As Senators and Representatives in the Congress of the United States, it is our duty to warn our constituents whenever imminent danger menaces the freedom of our institutions or the permanency of our Union.

Such danger, as we firmly believe, now impends, and we earnestly solicit your prompt attention to it.

At the last session of Congress, a bill for the organization of the Territory of Nebraska passed the House of Representatives with an overwhelming majority. That bill was based on the principle of excluding slavery from the new Territory. It was not taken up for consideration in the Senate, and consequently failed to become a law.

At the present session a new Nebraska bill has been reported by the Senate Committee on Territories, which, should it unhappily receive the sanction of Congress, will open all the unorganized territory of the Union to the ingress of slavery.

We arraign this bill as a gross violation of a sacred pledge; as a criminal betrayal of precious rights; as part and parcel of an atrocious plot to exclude from a vast unoccupied region, immigrants from the Old World and free laborers from our own States, and convert it into a dreary region of despotism, inhabited by masters and slaves.

Take your maps, fellow-citizens, we entreat you, and see what country it is which this bill, gratuitously and recklessly, proposes to open to slavery.

From the southwestern corner of Missouri pursue the parallel of 36 deg. 30 min. north latitude, westerly across the Arkansas, across the north fork of Canadian, to the northeastern angle of Texas; then following the northern boundary of Texas to the western limit of New Mexico; then proceed along that western line to its northern termination; then again turn westwardly and follow the northern line of New Mexico to the crest of the Rocky Mountains; then ascend northwardly along the crest of that mountain range to the line which separates the United States from the British possessions in North America, on the 49th parallel of north latitude; then pursue your course

eastwardly along that line to the White Earth river, which falls into the Missouri from the north; descend that river to its confluence with the Missouri; descend the Missouri, along the western border of Minnesota, of Iowa, of Missouri, to the point where it ceases to be a boundary line, and enters the State to which it gives its name; then continue your southward course along the western limit of that State to the point from which you set out. You have now made the circuit of the proposed Territory of Nebraska. You have traversed the vast distance of more than three thousand miles. You have traced the outline of an area of four hundred and eighty-five thousand square miles; more than twelve times as great as that of Ohio.

This immense region, occupying the very heart of the North American continent, and larger, by thirty-three thousand square miles, than all the existing free States, excluding California—this immense region, well watered and fertile, through which the middle and northern routes from the Atlantic to the Pacific must pass—this immense region, embracing all the unorganized territory of the nation, except the comparatively insignificant district of Indian territory north of Red river and between Arkansas and Texas, and now for more than thirty years regarded by the common consent of the American people as consecrated to freedom, by statute and by compact—this immense region, the bill now before the Senate, without reason and without excuse, but in flagrant disregard of sound policy and sacred faith, proposes to open to slavery.

We beg your attention, fellow-citizens, to a few historical facts.

The original settled policy of the United States, clearly indicated by the Jefferson proviso of 1784, and by the ordinance of 1787, was non-extension of slavery.

In 1803, Louisiana was acquired by purchase from France. At that time there were some twenty-five or thirty thousand slaves in this Territory, most of them within what is now the State of Louisiana; a few, only, further north, on the west bank of the Mississippi. Congress, instead of providing for the abolition of slavery in this new Territory, permitted its continuance. In 1812 the State of Louisiana was organized and admitted into the Union with slavery.

In 1818, six years later, the inhabitants of the Territory of Missouri applied to Congress for authority to form a State constitution, and for admission into the Union. There were, at that time, in the whole territory acquired from France, outside of the State of Louisiana, not three thousand slaves.

There was no apology in the circumstances of the country for the continuance of slavery. The original national policy was against it, and, not less, the plain language of the treaty under which the territory had been acquired from France.

It was proposed, therefore, to incorporate in the bill authorizing the formation of a State Government, a provision requiring that the constitution of the new State should contain an article providing for the abolition of existing slavery, and prohibiting the further introduction of slaves.

This provision was vehemently and pertinaciously opposed; but finally prevailed in the House of Representatives by a decided vote.

250902

973.6 6
Ap 48

In the Senate it was rejected, and, in consequence of the disagreement between the two Houses, the bill was lost.

At the next session of Congress the controversy was renewed with increased violence. It was terminated, at length, by a compromise. Missouri was allowed to come into the Union with slavery, but a section was inserted in the act authorizing her admission, excluding slavery, forever, from all the territory acquired from France, not included in the new State, lying north of 36 deg. 30 min.

We quote the prohibitory section:*

"SEC. 8. *Be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes of north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than as the punishment of crimes, shall be and is hereby forever prohibited."

The question of the constitutionality of this prohibition was submitted by President Monroe to his cabinet. John Quincy Adams was then Secretary of State; John C. Calhoun was Secretary of War; William H. Crawford was Secretary of the Treasury; and William Wirt was Attorney General. Each of these eminent men, three of them being from slave States, gave a written opinion, affirming its constitutionality, and thereupon the act received the sanction of the President, himself, also, from a slave State.

Nothing is more certain in history than the fact, that Missouri could not have been admitted as a slave State, had not certain members from the free States been reconciled to the measure by the incorporation of this prohibition into the act of admission. Nothing is more certain than that this prohibition has been regarded and accepted by the whole country as a solemn compact against the extension of slavery into any part of the territory acquired from France, lying north of 36 deg. 30 min., and not included in the new State of Missouri. The same act—let it be ever remembered—which authorized the formation of a constitution for the State, without a clause forbidding slavery, consecrated, beyond question and beyond honest recall, the whole remainder of the territory to freedom and free institutions forever. For more than thirty years—during more than half the period of our national existence under our present constitution—this compact has been universally regarded and acted upon as inviolable American law. In conformity with it, Iowa was admitted as a free State, and Minnesota has been organized as a free Territory.

It is a strange and ominous fact, well calculated to awaken the worst apprehensions, and the most fearful forebodings of future calamities, that it is now deliberately purposed to repeal this prohibition, by implication or directly—the latter, certainly, the manlier way—and thus to subvert this compact, and allow slavery in all the yet unorganized territory.

We cannot, in this address, review the various pretences under which it is attempted to cloak this monstrous wrong; but we must not altogether omit to notice one.

---

* Act March 6, 1820—3 U. S. Statutes at Large, 545.

It is said that the Territory of Nebraska sustains the same relations to slavery as did the territory acquired from Mexico prior to 1850, and that the proslavery clauses of the bill are necessary to carry into effect the compromises of that year.

No assertion could be more groundless.

Three acquisitions of territory have been made by treaty. The first was from France. Out of this territory have been created the three slave States of Louisiana, Arkansas, and Missouri, and the single free State of Iowa. The controversy which arose in relation to the then unorganized portion of this territory was closed in 1820, by the Missouri act, containing the slavery prohibition, as has been already stated. This controversy related only to territory acquired from France. The act, by which it was terminated, was confined, by its own express terms, to the same territory, and had no relation to any other.

The second acquisition was from Spain. Florida, the territory thus acquired, was yielded to slavery without a struggle, and almost without a murmur.

The third was from Mexico. The controversy which arose from this acquisition is fresh in the remembrance of the American people. Out of it sprung the acts of Congress, commonly known as the compromise measures of 1850, by one of which California was admitted as a free State; while two others, organizing the Territories of New Mexico and Utah, exposed all the residue of the recently acquired territory to the invasion of slavery.

These acts were never supposed to abrogate or touch the existing exclusion of slavery from what is now called Nebraska. They applied to the territory acquired from Mexico, and to that only. They were intended as a settlement of the controversy growing out of that acquisition, and of that controversy only. They must stand or fall by their own merits.

The statesmen whose powerful support carried the Utah and New Mexico acts, never dreamed that their provisions would ever be applied to Nebraska. Even at the last session of Congress, Mr. Atchison, of Missouri, in a speech in favor of taking up the former Nebraska bill, on the morning of the 4th of March, 1853, said: "It is evident that the Missouri Compromise cannot be repealed. So far as that question is concerned, we might as well agree to the admission of this Territory now, as next year, or five or ten years hence." These words could not have fallen from this watchful guardian of slavery, had he supposed that this territory was embraced by the pro-slavery provisions of the compromise acts. This pretension had not then been set up. It is a palpable after-thought.

The compromise acts themselves refute this pretension. In the third article of the second section of the joint resolution for annexing Texas to the United States, it is expressly declared that "in such State or States as shall be formed out of said territory north of said Missouri compromise line, slavery or involuntary servitude, except for crime, shall be prohibited;"* and in the act for organizing New Mexico and

* Act of March 1, 1845—5 U. S. Statutes at Large, 797.

settling the boundary of Texas, a proviso was incorporated, on the motion of Mr. Mason, of Virginia, which distinctly preserves this prohibition, and flouts the barefaced pretension that all the territory of the United States, whether south or north of the Missouri compromise line, is to be open to slavery. It is as follows:

"*Provided*, That nothing herein contained shall be construed to impair or qualify anything contained in the third article of the second section of the joint resolution for annexing Texas to the United States, approved March 1, 1845, either as regards the number of States that may hereafter be formed out of the State of Texas, or otherwise."*

Here is proof, beyond controversy, that the principle of the Missouri act prohibiting slavery north of 36 deg. 30 min., far from being abrogated by the compromise acts, is expressly affirmed; and that the proposed repeal of this prohibition, instead of being an affirmation of the compromise acts, is a repeal of a very prominent provision of the most important act of the series. It is solemnly declared in the very compromise acts "that *nothing herein contained shall be construed to impair or qualify*" the prohibition of slavery north of 36 deg. 30 min., and yet, in the face of this declaration, that sacred prohibition is said to be overthrown. Can presumption further go? To all who, in any way, lean upon these compromises, we commend this exposition.

The pretences, therefore, that the territory, covered by the positive prohibition of 1820, sustains a similar relation to slavery with that acquired from Mexico, covered by no prohibition except that of disputed constitutional or Mexican law, and that the compromises of 1850 require the incorporation of the proslavery clauses of the Utah and New Mexico bill in the Nebraska act, are mere inventions, designed to cover up from public reprehension meditated bad faith. Were he living now, no one would be more forward, more eloquent, or more indignant, in his denunciation of that bad faith, than Henry Clay, the foremost champion of both compromises.

In 1820 the slave States said to the free States, "Admit Missouri with slavery and refrain from positive exclusion south of 36 deg. 30 min., and we will join you in perpetual prohibition north of that line." The free States consented. In 1854 the slave States say to the free States, "Missouri is admitted; no prohibition of slavery south of 36 deg. 30 min. has been attempted; we have received the full consideration of our agreement; no more is to be gained by adherence to it on our part; we, therefore, propose to cancel the compact." If this be not Punic faith, what is it? Not without the deepest dishonor and crime can the free States acquiesce in this demand.

We confess our total inability properly to delineate the character or describe the consequences of this measure. Language fails to express the sentiments of indignation and abhorrence which it inspires; and no vision, less penetrating and comprehensive than that of the All-Seeing, can reach its evil issues.

To some of its more immediate and inevitable consequences, however, we must attempt to direct your attention.

---

* Congressional Globe, 1849–'50, p. 1552; act September 9, 1850—9 U. S. Statutes at Large, 446.

What will be the effect of this measure, should it unhappily become a law, upon the proposed Pacific railroad? We have already said that two of the principal routes, the central and the northern, traverse this territory. If slavery be allowed there, the settlement and cultivation of the country must be greatly retarded. Inducements to the immigration of free laborers will be almost destroyed. The enhanced cost of construction, and the diminished expectation of profitable returns, will present almost insuperable obstacles to building the road at all; while, even if made, the difficulty and expense of keeping it up, in a country from which the energetic and intelligent masses will be virtually excluded, will greatly impair its usefulness and value.

From the rich lands of this large Territory also, patriotic statesmen have anticipated that a free, industrious, and enlightened population will extract abundant treasures of individual and public wealth. There, it has been expected, freedom-loving emigrants from Europe, and energetic and intelligent laborers from our own land, will find homes of comfort and fields of useful enterprise. If this bill shall become a law, all such expectation will turn to grievous disappointment. The blight of slavery will cover the land. The homestead law, should Congress enact one, will be worthless there. Freemen, unless pressed by a hard and cruel necessity, will not, and should not, work beside slaves. Labor cannot be respected where any class of laborers is held in abject bondage.

We earnestly request the enlightened conductors of newspapers printed in the German and other foreign languages to direct the attention of their readers to this important matter.

It is of immense consequence, also, to scrutinize the geographical character of this project. We beg you, fellow-citizens, to observe that it will sever the east from the west of the United States by a wide slaveholding belt of country, extending from the Gulf of Mexico to British North America. It is a bold scheme against American liberty, worthy of an accomplished architect of ruin. Texas is already slaveholding, and occupies the Gulf region from the Sabine to the Rio Grande, and from the Gulf of Mexico to the Red river. North of the Red river, and extending between Texas and Arkansas, to the parallel of 36 deg. 30 min., lies the Indian territory, about equal in extent to the latter State, in which slavery was not prohibited by the act of 1820. From 36 deg. 30 min. to the boundary line between our own country and the British possessions, stretching from west to east through more than eleven degrees of longitude, and from south to north through more than twelve degrees of latitude, extends the great territory, the fate of which is now to be determined by the American Congress. Thus you see, fellow-citizens, that the first operation of the proposed permission of slavery in Nebraska, will be to stay the progress of the free States westward, and to cut off the free States of the Pacific from the free States of the Atlantic. It is hoped, doubtless, by compelling the whole commerce and the whole travel between the east and the west to pass for hundreds of miles through a slaveholding region, in the heart of the continent, and by the influence of a Federal Government controlled by the slave power, to extinguish freedom and establish slavery in the

States and Territories of the Pacific, and thus permanently subjugate the whole country to the yoke of a slaveholding despotism. Shall a plot against humanity and democracy, so monstrous, and so dangerous to the interests of liberty throughout the world, be permitted to succeed?

We appeal to the People. We warn you that the dearest interests of freedom and the Union are in imminent peril. Demagogues may tell you that the Union can be maintained only by submitting to the demands of slavery. We tell you that the safety of the Union can only be insured by the full recognition of the just claims of freedom and man. The Union was formed to establish justice, and secure the blessings of liberty. When it fails to accomplish these ends it will be worthless, and when it becomes worthless it cannot long endure.

We entreat you to be mindful of that fundamental maxim of democracy, EQUAL RIGHTS AND EXACT JUSTICE FOR ALL MEN. Do not submit to become agents in extending legalized oppression and systematized injustice over a vast territory yet exempt from these terrible evils.

We implore Christians and Christian ministers to interpose. Their divine religion requires them to behold in every man a brother, and to labor for the advancement and regeneration of the human race.

Whatever apologies may be offered for the toleration of slavery in the States, none can be urged for its extension into Territories where it does not exist, and where that extension involves the repeal of ancient law, and the violation of solemn compact. Let all protest, earnestly and emphatically, by correspondence, through the press, by memorials, by resolutions of public meetings and legislative bodies, and in whatever other mode may seem expedient, against this enormous crime.

For ourselves, we shall resist it by speech and vote, and with all the abilities which God has given us. Even if overcome in the impending struggle, we shall not submit. We shall go home to our constituents; erect anew the standard of freedom, and call on the people to come to the rescue of the country from the domination of slavery. We will not despair: for the cause of human freedom is the cause of God.

S. P. CHASE, *Senator from Ohio.*
CHARLES SUMNER, *Senator from Mass.*
J. R. GIDDINGS, } *Representatives from Ohio.*
EDWARD WADE, }
GERRITT SMITH, *Representative from New York.*
ALEX. DE WITT, *Representative from Mass.*

NOTE.—The *amended* Nebraska Bill introduced by Mr. Douglas was promptly printed at length in the Washington *Sentinel*. As printed, it did not meet the views of certain Southern gentlemen, and it was then discovered that an important declaratory section, legislating into the bill the *principles* of the Compromise, had been omitted by *a clerical error*. Even after this remarkable clerical error had been rectified, the bill was unsatisfactory, and now Mr. Douglas proposes more amendments—to divide the Territory into two; to charge the Treasury with the expense of two Territorial Governments; to

strike out the clerical error section, and insert elsewhere in the bill a clause excepting from the laws of the United States extended over the Territory, the Missouri Prohibition. The last proposed amendment will read thus:

"That the Constitution and all laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said Territory of Nebraska as elsewhere within the United States, *except the eighth section of the act preparatory to the admission of Missouri into the Union, approved March 6th*, 1820, *which was superseded by the principles of the legislation of* 1850, *commonly called the Compromise Measures, and is hereby declared inoperative.*"

This amendment is a manifest falsification of the truth of history, as is shown in the body of the foregoing address. Not a man in Congress or out of Congress, in 1850, pretended that the Compromise Measures would repeal the Missouri Prohibition. Mr. Douglas himself never advanced such a pretence until this session. His own Nebraska Bill, of last session, rejected it. It is a sheer afterthought. To declare the Prohibition inoperative, may, indeed, have effect in law as a repeal, but it is a most discreditable way of reaching the object. Will the people permit their dearest interests to be thus made the mere hazards of a Presidential game, and destroyed by false facts and false inferences?

☞ So far as other signatures than those of the Independent Democrats in Congress have been printed in connexion with the foregoing Appeal, it has been through mistake. The Independent Democrats represent the only powerful political organization fully committed against the extension and nationalization of slavery, and, therefore, though they trust that there are many in both Houses, who will, with them, oppose the repeal of the Missouri Prohibition, yet they thought it best that an Appeal to the People of the country, setting forth *their reasons* for opposition, and *their determination* to raise anew the standard of liberty and democracy, should it be beaten down in the impending struggle, should bear only their own signatures.

TOWERS', PRINTERS.